

Message Text

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PAGE 01 STATE 063721

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ORIGIN NEA-09

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DRAFTED BY NEA/AFN:WSWEISLOGEL

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EB/IFD/OIA:TBRODERICK

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FM SECSTATE WASHDC

TO AMEMBASSY ALGIERS

C O N F I D E N T I A L STATE 063721

E.O. 11652: GDS

TAGS: CPRS, AG

SUBJECT: U.S. CLAIMS FOR NATIONALIZATIONS OF PROPERTY

REF: ALGIERS 616 AND PREVIOUS

1. EXCEPT UPON PUBLIC NOTICE TO FILE CLAIMS AGAINST THE GOA, DEPARTMENT CANNOT CUT OFF POTENTIAL ADDITIONAL CLAIMS. NOTICE IS CUSTOMARILY PUBLISHED ONLY WHEN DEBTOR STATE HAS AGREED TO EMBARK ON MEANINGFUL CLAIMS SETTLEMENT PROGRAM. DEPARTMENT BELIEVES IT HAS ALREADY RECEIVED BULK OF SERIOUS CLAIMS, BUT CANNOT PROPERLY PROVIDE GOA ASSURANCES IT WOULD LIKE TO HAVE. QUIGLEY NOT INCLUDED AMONG CLAIMANTS BECAUSE HE IS DECEASED AND HIS CLAIM SUCCEEDED TO BY HEIRS WHO ARE NOT U.S. CITIZENS. ALLIS-CHALMERS HAS THUS FAR FAILED TO RESPOND CONCERNING CLAIM, DESPITE SEVERAL FOLLOW-UP COMMUNICATIONS FROM DEPARTMENT.

2. DEPARTMENT REGRETS CONTINUED ABSENCE PROGRESS TOWARD SETTLING CLAIMS OF U.S. NATIONALS AS GOA HAS NOT FURNISHED SUBSTANTIVE REPLY CONCERNING VALIDITY OR INVALIDITY ANY REFERENCED CLAIM OR SPECIFIED MANNER IN WHICH ANY PARTICULAR CLAIM IS LEGALLY DEFICIENT. ABERKANE
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PAGE 02 STATE 063721

GENERALIZATION CONCERNING LEGITIMACY OF CLAIMS IS THEREFORE

CONSIDERED TO BE WITHOUT MERIT. EVERY EMBASSY NOTE
TRANSMITTING CLAIMS (DECEMBER 1965 THROUGH MARCH 1971)
ASSERTED DATE AND MANNER CLAIMANT BECAME U.S. NATIONAL.

SUCH ASSERTION WAS BASED UPON DOCUMENTARY EVIDENCE
AVAILABLE TO THE DEPARTMENT AND TRANSMITTED TO THE GOA.

3. DEPARTMENT CONSIDERS FRENCH CLAIM PRECEDENT IMMATERIAL
TO U.S.-GOA SITUATION. DEPARTMENT SUGGESTS THAT GOA DEEP
EMOTIONAL ATTACHMENT TO LAND-PATRIMONY PHILOSOPHY IS
ASSERTED NO LESS FERVENTLY BY EAST EUROPEAN BLOC
GOVERNMENTS THAT HAVE SETTLED, PAID OR ARE NOW PAYING
CLAIMS OF U.S. NATIONALS. GOA SETTLEMENT OF U.S.
CORPORATE CLAIMS IS KNOWN TO SOME PRIVATE CLAIMANTS AND
SUGGESTS GOA DISCRIMINATION IN TREATMENT U.S. NATIONALS.
IN ADDITION, U.S. HAS LEGAL AND PRACTICAL OBLIGATION TO
PURSUE AND OBTAIN GOA SETTLEMENT OF THESE CLAIMS AS
SOON AS POSSIBLE.

4. HARBOUR HAS NOT REPORTED TO DEPARTMENT HIS COMPANY'S
REACTION TO DISCUSSION OF CLAIMS PROBLEM. HOWEVER,
KNIGHT, OF SHEARMAN AND STERLING, PHONED DEPT OFF. MARCH Y,
AND REQUESTED URGENTLY A RECAPITULATION OF INFO CONTAINED
IN KWIA TEK/KNIGHT LETTER OF JUNE 7, 1974, CONCERNING
PRIVATE CLAIMS (EXPLAINING THAT ORIGINAL LETTER HAD BEEN
SENT TO SONATRACH AND NO COPY KEPT), A BRIEFING ON STATUS
OF POSSIBLE JOINT SUIT AGAINST GOA BY CLAIMANTS, AND
BRIEFING ON EFFECT OF FREEDOM OF INFORMATION ACT ON
POSSIBLE RELEASE OF DOSSIERS IN COURT. KNIGHT SAID GOA
HAD APPROACHED LAW FIRM FOR THIS INFO AND HE TOOK IT AS
EVIDENCE OF RENEWED GOA INTEREST IN PROBLEM. DEPARTMENT
RESPONDING TO THIS REQUEST.

5. NOTWITHSTANDING ANY POSSIBLE EL PASO GAMBIT, DEPARTMENT
CONSIDERS THE ADJUDICATIONS MADE BY THE DEPARTMENT PRIOR
TO SUBMISSION OF CLAIMS TO GOA SUFFICIENT AND FURTHER
ADJUDICATION BY USG UNNECESSARY. IN THE ABSENCE OF OFFERS
OF SETTLEMENT BY GOA DEPARTMENT HAS NO BASIS OR REASON
FOR INITIATING COMMUNICATIONS WITH CLAIMANTS. GOA
ADJUDICATION OF CLAIMS IS IN ORDER; THEREFORE BALL HAS
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PAGE 03 STATE 063721

BEEN AND REMAINS IN GOA COURT SINCE CLAIMS PRESENTED FROM
1965 TO 1971. IN CIRCUMSTANCES, DEPARTMENT UNABLE
APPROVE ACTION PROPOSED PARAS 6 AND 7 REFTEL.

6. DEPARTMENT HAS NO INFORMATION ON THE CURRENT STATUS OF
CLAIMANTS' THREATENED SUIT AND CONSIDERS IT INAPPROPRIATE
TO APPROACH CLAIMANTS OR THEIR ATTORNEYS ON THE MATTER.
TO DO SO WOULD SERVE NO USEFUL PURPOSE. NOTWITHSTANDING

ANY POSSIBLE THREAT OF A LAW SUIT, THE FREEDOM OF
INFORMATION ACT PROVIDES A MEANS FOR READY ACCESS TO
INFORMATION IN DEPARTMENT'S RECORDS, INCLUDING CLAIMS.
EXCEPTIONS TO SUCH ACCESSIBILITY UNDER THE ACT ARE

EXTREMELY NARROW. (SECTION 6.4 OF TITLE 22, CODE OF
FEDERAL REGULATIONS.)

7. DEPARTMENT'S VIEWS PARA 9 REFTEL WILL BE FURNISHED IN
SEPTTEL. INGERSOLL

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